for their hard work on the District of Columbia appropriations bill and for working with me on an amendment of vital importance to the children and families of the District. I am very pleased that they have agreed to accept my amendment which would allow the District to increase the number of monitors and inspectors responsible for upholding safety and quality standards in day-care centers and home-care operations across the city.

Mr. President, in early October we all had the occasion to read an extremely troubling article on the front page of the Washington Post. As part of a series on welfare reform implementation, the Post discussed the deplorable and unsafe conditions at many District day-care facilities. Many of the problems could be traced to the fact that the people and resources dedicated to overseeing child care centers in the District are woefully inadequate.

We learned that of the approximately 350 public day-care centers in the District of Columbia, more than half are operating without proper licenses. The primary inspection agency has been without a supervisor for almost a year and a half. There are only five inspectors charged with issuing and enforcing licenses to District child care centers, and only three people in charge of certifying which centers should be eligible for public funds. Those who are clearly suffering as a result are the children, far too many of whom are spending their days in an environment where they are unstimulated, uncared for, and even in mortal danger.

The availability and regulation of quality day-care centers and home-care operations in the District and across the country is a crucial component of successful welfare reform. Simply put, welfare reforms will not succeed unless moms and dads across the country have a safe place to leave their children while they are out earning paychecks.

Not only that, welfare reform has and will continue to increase greatly the demand for day-care slots. In the District alone, it is predicted that 4,000 additional slots will be needed to accommodate the schedules of working parents. That number mirrors the situation in the city of Milwaukee in my home State of Wisconsin. As more, new child care centers spring up to meet this new demand, tough, consistent licensing standards, applied and enforced by an adequate number of inspectors, are essential to avoiding more tragedies like we are witnessing in the District.

I am a supporter of welfare reform because I believe the family is strengthened by work. But that premise is destroyed—and the success of true reform, jeopardized—if we force parents to choose between work and the basic safety of their children. As a society, we have a responsibility to help American families become independent, unified, and strong by moving them off welfare and into the workplace. As a people, we have a moral duty to ensure that children of those families are safe and nurtured while their parents work. We will have crippled more than just welfare reform if, because of inadequate attention to the quality of child care in this country, we force parents to turn their children over to dangerous, deplorable child care situations.

I am very pleased that the Senate has agreed to incorporate my amendment into the spending legislation for the District of Columbia. Obviously, this is a crisis situation which the additional staff will help address.

That said, much more needs to be done. This problem goes way beyond a question of mere staffing numbers. As such, in addition to this amendment, the chairman and I will be writing a letter to the Control Board to ensure that oversight and proper licensing and enforcement of safety and quality regulations by District agencies is an integral part of the comprehensive management reform plans scheduled to be unveiled in December.

Specifically, we will press the Control Board on procedures for day-care center and home day-care licensing, rates of inspection, the effectiveness of safety and quality standards at day-care centers and home day-cares, the effectiveness of public subsidy and case referral services in the District day-care system, the effectiveness of the current system of public oversight of day-care center and home day-care operations as conducted by the Department of Consumer and Regulatory Affairs and the Department of Human Services, and appropriate staffing levels at these agencies.

Again, I am pleased that the Senate has agreed to my amendment. I consider it to be one of many steps we need to take on this very important issue. I look forward to working with the District on finding solutions to this and other pressing problems relating to the quality of life in our Nation's Capital.

Thank you.

ARMY CORPS OF ENGINEERS FUNDING

Mr. GORTON. Mr. President, I rise for two brief colloquies with the distinguished chairman of the Appropriations Committee. I first want to bring to the distinguished chairman's attention some confusion regarding the committee's intent for approximately $6 million of the Army Corps of Engineers' budget. This money was intended to fund a very important project in Washington State. Unfortunately, we have been informed by the local Corps of Engineers office that without more specific direction from Congress, the agency cannot spend these funds. The Senate accepted the House position on this project, which was to provide $6 million for the Corps of Engineers to extend the south jetty at the Grays Harbor project to provide a permanent solution to the ongoing erosion problem. Would the chairman agree that my description of where these funds will be spent is consistent with the Conference Committee's intention?

Mr. STEVENS. The Senator is correct. The conference committee intends for the $6 million to be allocated to extend the south jetty at the Grays Harbor project to provide a permanent solution to the ongoing erosion problem

Mr. GORTON. Thank you, Mr. Chairman. My second colloquy pertains to an additional $2 million from the Corps budget that should be allocated to dredge, monitor, and maintain the channel to determine the potential for cost effective maintenance near the Willapa River. Regrettably, the direction that our committee gave the Corps did not adequately distinguish between two phases of the Willapa Project. The first phase, which called for beach nourishment to protect the highway from wave erosion has been completed. The second phase, calling for channel dredging, monitoring and maintenance, has yet to be started. It was the original intention of the project proponents that the $2 million allocated for this project be directed to its second phase. The local office of the Corps of Engineers has indicated that it can spend the funds appropriately, provided it be given the necessary direction by Congress. Mr. chairman, given this misunderstanding, do you have any objection to the Corps using these funds for this purpose?

Mr. STEVENS. I have no objection to the Corps using the funds for that purpose. We have allocated significant funding for these projects and it is very important to ensure the funds are not wasted on needs which have already been addressed.

Mr. GORTON. Thank you very much for the clarification, Mr. chairman. I greatly appreciate the Chairman's efforts on these two projects which address important economic, environmental, and public safety needs in southwest Washington. I also want to commend the chairman of the Energy and Water subcommittee, Senator DOMENICI, whose efforts were crucial to securing the necessary funds.

Mrs. MURRAY. Would the Chairman yield?

Mr. STEVENS. Of course.

Mrs. MURRAY. I would like to thank the distinguished chairman for his hard work on this bill and for his clarification here today. These projects will accomplish a great deal for two communities in southwest Washington state and I appreciate his hard work, as well as that of the subcommittee chairman's.

Mr. MACK. Mr. President, I ask unanimous consent that a section by section analysis of Title II of the D.C. appropriations portion of the omnibus appropriations bill be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY MEMORANDUM REGARDING TITLE II OF THE D.C. APPROPRIATIONS PORTION OF THE OMNIBUS APPROPRIATIONS BILL SUBMITTED BY MESSRS. MACK, GRAHAM, ABRAHAM, KENNEDY, and DURBIN

PURPOSES OF THE BILL

The purpose of this Act is to ensure that nationals of certain specified countries who fled civil wars and other upheavals in their home countries and sought refuge in the United States, as well as designated family members, are accorded a fair and equitable opportunity to demonstrate that, under the legal standards established by this Act, they should be permitted to remain, and pursue permanent resident status, in the United States.

In recognition of the hardship that those eligible for relief suffered in fleeing their homelands and the delays and uncertainty that they have experienced in pursuing legal status in the United States, the Congress directs the Department of Justice and the Immigration and Naturalization Service to adjudicate applications for relief under this Act expeditiously and humanely.

SECTION-BY-SECTION ANALYSIS

Section 201—Short title

This Act may be cited as the ''Nicaraguan Adjustment and Central American Relief Act.''

Section 202—Adjustment of status of certain Nicaraguans and Cubans

This section provides for Nicaraguans and Cubans who came to the United States before December 1, 1995 and have been continuously present since that time to adjust to the status of permanent residents provided they make application to do so before April 1, 2000. The Act also extends this benefit to the spouses, children, or unmarried sons or daughters of those individuals. This portion of the Act is modeled on the Cuban Adjustment Act.

Section 203—Modification of certain transition rules

Section 203 of the bill modifies the transition rules established in Section 309 of the Illegal Immigration and Immigrant Responsibility Act of 1996 (''IIRIRA''), Public Law No. 104–208; division C; 110 Stat. 3009–627.

Section 203(a) amends the transition rule governing eligibility for suspension of deportation for those who were in exclusion or deportation proceedings as of April 1, 1997, the effective date of IIRIRA. Under the rules in effect before then, on otherwise eligible person could qualify for suspension of deportation if he or she had been continuously physically present in the United States for seven years, regardless of whether or when the Immigration and Naturalization Service had initiated deportation proceedings against the person through the issuance of an order to show cause (''OSC'') to that person. As a result, people were able to accrue time toward the seven-year continuous physical presence requirement after they already had been placed in deportation proceedings.

IIRIRA changed that rule to bar additional time for accruing after receipt of a ''notice to appear,'' the new document the Act created to begin ''removal'' proceedings, the repatriation mechanism IIRIRA substituted for deportation and exclusion proceedings. Over a strong dissent, a majority of the Board of Immigration Appeals in Mater of N-J-B- interpreted IIRIRA Section 309(c)(5) to apply not only prospectively in removal cases initiated by means of this new document but also retroactively to those who were in exclusion or deportation proceedings initiated by an order to show cause. On July 10, 1997 Attorney General Reno vacated and took under review the BIA's decision in Matter of N-J-B-.

Section 203(a) generally codifies the majority decision in Matter of N-J-B- by stating explicitly that orders to show cause have the same ''stop time'' effect as notices to appear. Excepted from retroactive application of the ''stop time'' rule are (1) those whose cases are terminated and reinitiated pursuant to IIRIRA Section 309(c)(3); and (2) those who, based on their special circumstances, are eligible for relief from repatriation under this Act, as described below.

As defined in Section 203(a) of the Act (amending IIRIRA Section 309(c)(5)), those who are eligible for relief under the Act (referred to hereinafter as ''Eligible Class Members'') include:

Salvadorans who entered the United States on or before September 19, 1990 and who, on or before October 31, 1991, either registered for benefits under the settlement agreement in American Baptist Churches, et al. v. Thornburgh, 760 F. Supp. 796 (N.D. Cal. 1991) (the ''ABC Settlement'') or applied for temporary protected status.

Guatemalans who entered the United States on or before October 1, 1990 and registered for benefits under the ABC Settlement.

Salvadorns and Guatemalans not included in the foregoing groups but who applied for asylum on or before April 1, 1990.

Nationals of the Soviet Union (or any of its successor republics), Latvia, Estonia, Lithuania, Poland, Czechoslovakia (or its successor republics), Romania, Hungary, Bulgaria, Albania, East Germany and Yugoslavia (or its successor republics) who entered the United States on or before December 31, 1990 and applied for asylum on or before December 1991.

Under Section 203(a) of the bill, the foregoing Eligible Class Members may pursue and be granted suspension of deportation or cancellation of removal without having their continuous physical presence in the United States terminated as of the date of service of an order to show cause or notice to appear. As Section 203(a)'s amendment to section 309(c)(5)(C)(i) of IIRIRA makes clear, these class members are eligible for this treatment even if they were not in proceedings on or before April 1, 1997.

Also eligible for relief from repatriation under this Act are those who, at the time an Eligible Class Member is granted relief from repatriation under this Act, are either (1) the spouse or child (as defined in Section 101(b)(1) of the Immigration and Nationality Act) of such person; or (2) the unmarried son or daughter of such person, provided that, if the unmarried son or daughter is 21 years of age or older when the parent is granted relief under this Act, the son or daughter must establish that he or she entered the United States on or before October 1, 1990.

Those who otherwise would be eligible for relief but have been convicted of an aggravated felony (as defined in Section 101(a) of the Immigration and Nationality Act) are not eligible for relief. Moreover, those deemed ineligible for relief under this Act may not seek judicial review of this decision.

Section 203(b) of the bill adds a new subsection (f) to the IIRIRA Section 309 transition rules. Under this new provision, Eligible Class Members who were not in exclusion or deportation proceedings as of April 1, 1997 may apply for cancellation of removal—the relief from repatriation replacing ''suspension of deportation,'' which was available under the pre-IIRIRA rules—and adjustment to permanent resident status under a special set of standards, subject to the following limitations:

Generally speaking, Eligible Class Members will be eligible for cancellation of removal and adjustment of status if they can establish that: (1) they have been physically present in the United States for a continuous period of seven years immediately preceding the date of application for relief; (2) they have been of good moral character during that period; and (3) removal would result in ''extreme hardship'' to the person or to a spouse, parent or child who is either a U.S. citizen or lawful permanent resident.

Those who are inadmissible or deportable because of certain offenses—including engaging in certain activities threatening U.S. national security (8 U.S.C. §§212(a)(3), 237(a)(4)); conviction of an aggravated felony at any time after admission (8 U.S.C. §237(a)(2)(A)(iii); or participating in the persecution of others (8 U.S.C. §241(b)(3)(B)(ii))—are ineligible for cancellation of removal and adjustment of status.

Those who are inadmissible or deportable because of certain other offenses—including engaging in specified criminal activity (8 U.S.C. §§212(a)(2), 237(a)(2)); or failure to comply with certain INS rules, including engaging in document fraud (8 U.S.C. §237(a)(3))—are eligible for cancellation of removal and adjustment of status if they can establish that (1) they have been physically present in the United States for a continuous period of ten years immediately following the event that otherwise would constitute a ground for removal; (2) they have been a person of good moral character during that period; and (3) removal would result in exceptional and extremely unusual hardship to the person or to a spouse, parent or child who is either a U.S. citizen or lawful permanent resident.

These standards generally echo the standards for suspension of deportation that had been in effect until IIRIRA. Nothing in these standards is intended to preclude the Attorney General from adapting the procedures under which Eligible Class Members' applications for cancellation or suspension are to be adjudicated in a manner appropriate to the circumstances of the individuals whose cases are before her. These cases have already been drawn out enough as a result of the uncertainties about the applicable standard brought about by the changes to the law made by IIRIRA and uncertainties about the meaning of those changes.

In particular, given the special solicitude Congress is showing toward the Eligible Class Members by enacting this legislation in large measure to see to it that their claims are fairly adjudicated, it would, for example, be entirely consistent with that intent for the Attorney General to direct INS attorneys to consider the special hardships undergone by them and the fragile economic and political conditions in their home countries as relevant to the extreme hardship determination. For this reason, it would also be appropriate for the Attorney General not to challenge applications for relief by Eligible Class Members on hardship grounds if the applicant satisfies the seven-year presence and good moral character requirements. This would be similar to the approach taken by President Bush in the context of the review of asylum applications by Chinese nationals based on China's policy of forced abortion and coerced sterilization. See November 30, 1989 Memorandum of Disapproval signed by President Bush; December 1, 1989 and January 4, 1990 cables from INS Commissioner Gene McNary to all field offices (File CO 243.69–P); Executive Order 12711 (April 11, 1990); 55 Fed. Reg. 13897 (April 13, 1990). More generally, it would be entirely consistent with Congressional intent for the Attorney General to establish procedures that keep to a minimum the burdens an applicant of good

character has to shoulder in order to qualify for relief, both in terms of the paperwork the applicant has to complete and the showings the applicant has to make.

In addition to recognizing the special circumstances to which the ABC class members have been subjected, application of the foregoing approach would greatly reduce the need for protracted analysis of the more subjective aspects of the suspension standard, thereby reducing the administrative burden on the Immigration and Naturalization Service and minimizing further delays in according relief to these individuals. Adoption of such an approach would be entirely consistent with Congress' intentions in adopting this legislation, and with its interest in seeing to it that any future difficulties these people may experience in getting a final resolution of their status here to be kept to a minimum.

Section 203(c) of the bill permits Eligible Class Members previously placed in deportation or removal proceedings who claim eligibility for relief from repatriation under the Act to file a single motion to reopen such proceedings to pursue relief from repatriation; such relief might otherwise have been barred on procedural grounds. The Attorney General must designate a time period not greater than 240 days within which motions to reopen must be filed; the time period must begin within 60 days after the date of enactment of this Act. We note that because a number of the Eligible Class Members arrived in this country with no understanding of the court system and no English, some may have had court proceedings initiated against them and been tried in absentia. Others were minors too young to remember that they had been in immigration court. As a result they may not know that they have final orders of deportation entered against them. We encourage all elements of the Department of Justice and the Immigration and Naturalization Service to work to facilitate making that information available to these individuals, including by affirmatively serving notice on Eligible Class Members subject to such orders. We also note that nothing herein prevents the Attorney General from adopting an approach to the deadlines set out here consistent with application of ordinary tolling principles. Finally, we note that if an Eligible Class Member files a motion to reopen and it is determined that the applicant would qualify for some other form of relief, such as adjustment on the basis of an approved visa with a current priority date, that could be adjudicated far more easily than a suspension application, that relief may be granted instead.

Section 203(d) establishes certain temporary reductions in the number of visas made available in the ''other workers'' and ''diversity'' immigration categories. Beginning in FY 1999, up to 5,000 fewer visas shall be made available on an annual basis in the diversity category. A similar annual reduction shall be made in the ''other workers'' category, but that reduction shall not begin to be made until everyone with an approved petition for a visa in this category as of the date of enactment of the Act has had a visa made available to him or her. The total reduction in the visas issued under these two categories shall equal the total number of individuals described in subclauses I, II, III, and IV of section 309(c)(5)(C) of IIRIRA, as amended by this Act, who are granted cancellation of removal or suspension of deportation under the Act. Each category shall absorb half of the reductions.

Section 204—Limitation on cancellations of removal and suspensions of deportation

IIRIRA established a 4,000-person annual limit on the Attorney General's ability to grant relief from repatriation. Eligible Class Members and designated family members, as well as those who were in deportation proceedings as of April 1, 1997 and who applied for suspension of deportation under INA Section 244(a)(3) (as in effect before IIRIRA), are excepted from this annual limit.

These exceptions to the 4,000-person limit having been made, it is expected that that limit should accommodate the remaining annual flow of successful suspension and cancellation applications. Should that projection prove erroneous, however, nothing in this Act is intended to prevent the Attorney General and those adjudicating suspension or cancellation applications on her behalf from pursuing the course that she has been following to this time of entering provisional grants of suspension or cancellation of deportation but postponing a final decision on the application until a slot becomes available. In no case is it Congress's intent that an otherwise meritorious application should be finally denied, and the applicant deported or removed, because the 4,000-person limit has been reached.

Mr. BIDEN. Mr. President, I am pleased to support this legislation. Included within this appropriations bill is historic legislation, produced on a bipartisan basis in the Foreign Relations Committee, regarding the institutional structure of, and funding for, American foreign policy. This important legislation to reorganize the foreign policy agencies of the U.S. Government and authorize the payment of U.S. arrearages to the United Nations is similar to a bill approved by the Senate last June by a vote of 90–5. Unfortunately, the bill which the Senate overwhelmingly approved has been bogged down in conference with the other body over an issue which has no relevance to this bill.

I am therefore grateful to the Chairman and Ranking Member of the Appropriations Committee, Senator STEVENS and Senator BYRD, for agreeing to include provisions of our legislation in this bill.

I can assure my colleagues that the decision to include the authorization bill in an appropriations bill was not taken lightly. The Chairman of the Foreign Relations Committee, Senator HELMS, and I sought to do so after careful consultation with the Senate leadership. But because two major elements of this bill are so critical to American foreign policy, the Chairman and I believed that we could not afford to delay this bill until next year. I hope my colleagues will agree.

Specifically, the bill addresses two important issues which were the focus of much heated debate in the last Congress. First, the bill provides for the payment of U.S. back dues to the United Nations, contingent on specific reforms by that body. Second, the bill establishes a framework for the reorganization of the U.S. foreign policy agencies which is consistent with the plan announced by the President last April.

Importantly, the bill also contains sufficient funds to restore our diplomatic readiness, which has been severely hampered in recent years by deep reductions in the foreign affairs budget. The funding levels in the bill largely mirror the Fiscal 1998 budget request submitted by the Clinton administration. The wide support in this Congress for providing increased funding for foreign affairs is an important achievement, and reverses a troubling trend of the past few years.

Although the cold war has ended, the need for American leadership in world affairs has not. Our diplomats often represent the front line of our national defense; with the downsizing of the U.S. military presence overseas, the maintenance of a robust and effective diplomatic capability has become all the more important. Despite the reduction in our military presence abroad, the increased importance of ''diplomatic readiness'' to our Nation's security has not been reflected in the Federal budget.

The increase in foreign affairs funding contained in this bill could not have come too soon. According to a report prepared at my request by the Congressional Research Service earlier this year, foreign policy spending is now at its lowest level in 20 years. Stated in fiscal 1998 dollars, the budget in fiscal 1997 was $18.77 billion, which is 25 percent below the annual average of $25 billion over the past two decades, and 30 percent below the level of 10 years ago, near the end of the Reagan administration. In fiscal 1997, such funding was just 1.1 percent of the Federal budget—the lowest level in the past 20 years and about one-third below the historical average.

I should remind my colleagues that the bill is truly a bipartisan product. It began with negotiations involving the Foreign Relations Committee and the Clinton administration early in the year. The Senate subsequently passed that bill overwhelmingly in June, by a vote of 90–5. Since that time, several changes have been made as a result of the conference deliberations with our House counterparts and negotiations with the Clinton administration. These were also undertaken in a spirit of bipartisanship. Because of these changes, I am confident that the bill will be acceptable to the President.

Enactment of this bill will mark another important milestone in reestablishing a bipartisan consensus on foreign policy. Like our predecessors five decades ago, we stand at an important moment in history.

After the Second World War, a bipartisan and farsighted group of senators, led by Chairmen of the Foreign Relations Committee such as Thomas Connally and Arthur Vandenberg, worked with the Truman administration to construct a post-war order. The institutions created at that time—the United Nations, the World Bank, the General Agreement on Tariffs and Trade, the North Atlantic Treaty Organization—are still with us today, but the task of modernizing these institutions to make them relevant to our times is just beginning.

For example, the Clinton administration and the Senate are cooperating on

the first significant expansion of NATO—an expansion to the east which will encompass three former adversaries in Central Europe. The Foreign Relations Committee, under the leadership of Chairman HELMS, has initiated a series of hearings on the proposed enlargement of NATO, setting the stage for what I hope will be successful amendment to the Washington Treaty next spring. Similarly, this legislation now before us calls for significant reforms of the United Nations, an important instrument in American foreign policy which has become crippled both by growing U.S. arrearages and an unwillingness within that body to reform. Enactment of this legislation will be an important step forward in resolving both those problems.

Just as we are trying to revise and reenergize international institutions, we must reorganize our own foreign policy institutions. Two years ago, the Chairman of the Foreign Relations Committee put forward a far-reaching plan to consolidate our major foreign affairs agencies—the Arms Control and Disarmament Agency (ACDA), the United States Information Agency (USIA), and the Agency for International Development—within the Department of State. In the context of an election cycle, it was perhaps inevitable that the Congress and the President would not come to agreement on it.

But continued stalemate was not inevitable. With the onset of a new presidential term and the appointment of a new Secretary of State, a window of opportunity to revisit the issue was opened. The Chairman, to his credit, took advantage of this window by urging the new Secretary of State, Madeleine Albright, to take a second look at the reorganization issue. And, to her credit, the Secretary did so; the result was the reorganization plan announced by the President in April. Under the proposal, two agencies—ACDA and USIA—will be merged into the State Department. The Agency for International Development will remain an independent agency, but it will be placed under the direct authority of the Secretary of State.

The legislation now before the Senate closely reflects the President's proposal. The Arms Control and Disarmament Agency will be merged into the State Department no later than October 1, 1998, and the U.S. Information Agency will be merged no later than October 1, 1999. As with the President's plan, the Agency for International Development will remain a separate agency, but it will be placed under the direct authority of the Secretary of State. And, consistent with the President's proposal to seek improved coordination between the regional bureaus in State and AID, the Secretary of State will have the authority to provide overall coordination of assistance policy.

The bill puts flesh on the bones of the President's plan with regard to international broadcasting. The President's plan was virtually silent on this question, stating only that the ''distinctiveness and editorial integrity of the Voice of America and the broadcasting agencies would be preserved.'' This bill upholds and protects that principle by maintaining the existing government structure established by Congress in 1994 in consolidating all U.S. government-sponsored broadcasting—the Voice of America, Radio and TV Marti, Radio Free Europe/Radio Liberty, Radio Free Asia, and Worldnet TV—under the supervision of one oversight board known as the Broadcasting Board of Governors. Importantly, however, the Board and the broadcasters below them will not be merged into the State Department, where their journalistic integrity would be greatly at risk.

With regard to the United Nations provision, the bill provides $926 million in arrearage payments to the Union Nations over a period of 3 years contingent upon the U.N. achieving specific reforms. This will allow us to pay all U.S. arrears to the U.N. regular budget, all arrears to the peacekeeping budget, nearly all arrears to the U.N. specialized agencies, and all arrears to other international organizations.

It is difficult to exaggerate the significance of this achievement. We are finally in a position to lay to rest the perennial dispute over our unpaid dues that has severely complicated relations between the United Nations and the United States. This bill would give our diplomats the leverage they need to push through meaningful reforms that promise to make the U.N. a more capable institution.

Two important changes were made to the legislation that cleared the Senate last June. First, the bill now allows the crediting of $107 million owed to the U.S. by the U.N. against our arrears. Second, it gives the administration added flexibility by allowing the Secretary of State to waive two conditions. The waiver will not apply to the reduction of assessment rates or the establishment of inspectors-general in the specialized agencies. But report language will make a clear commitment that Congress would, if necessary, consider on an expedited basis a waiver on the condition for a 20 percent assessment rate for the U.N. regular budget.

Of course, not everyone is happy with the agreements the Chairman, Senator HELMS, and I worked out. Some would have preferred to see no conditions at all attached to the payment of our debts. Others are unhappy that the United States is paying any arrears whatsoever.

I think it is fair to say that the Chairman and I approached this issue from two very different points of view. I make no excuses for my support of the United Nations. I believe that the U.N. is an indispensable arrow in our foreign policy quiver. The Chairman, I think it is fair to say, has been skeptical of the role of the United Nations.

But despite our differing outlooks, over the course of nearly 8 months of negotiation, dialogue, and old-fashioned bargaining, we each gave something and got something to return. The Chairman got several important conditions attached to the payment of arrears. Among other items, these include important managerial reforms, assurances that U.S. sovereignty will be protected, and a lowering of our assessment rate from 25 percent to 20 percent of the U.N. regular budget.

For me, it is important that this bill sends a strong signal of bipartisan support for putting our relationship with the United Nations back on track. Restoring our relationship with the United Nations is not a favor to anyone else—it is in our interest.

The United Nations allows us to leverage our resources with other countries in the pursuit of common interests, be it eradicating disease, mitigating hunger, caring for refugees, or addressing common environmental problems. And as the unfolding crisis with Iraq demonstrates, the United Nations can be a useful instrument in our diplomacy. The United States has played a leading role in the United Nations since its founding, and I believe that this legislation will secure that leadership.

While the purists on either side may not be happy with the agreement before us, I believe that we have produced a responsible piece of legislation that warrants the support of our colleagues.

In sum, the bill before the Senate, the Foreign Affairs Reform and Restructuring Act, is a significant achievement. I want to pay tribute to the Chairman for his continued good faith and cooperation throughout this process. I want to thank the President, the National Security Adviser, and the Secretary of State, for their support and assistance during the negotiations. I also want to thank our colleagues in the other body, particularly the ranking member of the International Relations Committee, LEE HAMILTON, who played an important role in pushing for changes to make this proposal more acceptable to the administration.

I believe we have produced a good compromise that a large majority will be able to support. I urge its adoption.

AMENDMENTS TO THE PRISON LITIGATION REFORM ACT

Mr. ABRAHAM. Mr. President, the Commerce-State-Justice portion of this bill contains a few technical and clarifying changes to the Prison Litigation Reform Act enacted last year. The Majority Whip of the House of Representatives and I have been working together on this language, and I believe this statement reflects both of our views.

The Prison Litigation Reform Act was specifically designed to protect the Tenth Amendment powers of the sovereign states, to enforce the Guarantee Clause, and to preserve and strengthen key structural elements of the United States Constitution such as separation of powers, judicial review, and federalism. In passing the Act Congress made clear that it intended that the courts enforcing the Act scrupulously ensure

that these goals be accomplished. In order to avoid any possibility of misinterpretation, we are seeking through the language contained in these amendments to clarify that stated intent.

Subsection (a)(3)(F) establishes that a state or local official, including individual state legislators, or a unit of government, is entitled to intervene as of right in a district or appellate court to challenge prisoner release orders or seek their termination. No separate time limits are included because the sponsors think it clear that a court should implement the intervention provisions in a manner that gives them their full effect by ruling in timely fashion on such motions.

Subsection (b)(3) corrects the confusing use of the word ''or'' to describe the limited circumstances when a court may continue prospective relief in prison conditions litigation. The amendment makes clear that a constitutional violation must be ''current and ongoing''. Both requirements are necessary to ensure that court orders continue only when necessary to remedy a presently occurring constitutional violation. These dual requirements thus ensure that court orders do not remain in place on the basis of a claim that a current prison condition that does not violate prisoners' Federal rights nevertheless requires a court decree to address it because the condition is somehow traceable to a prior policy that did violate Federal rights. Likewise, the clarification insures that prisoners cannot keep intrusive court orders in place based upon the theory that the government officials are ''poised'' to resume allegedly unlawful conduct. Congress does not presume that government officials who have been advised that a particular practice is unlawful will automatically return to an unlawful practice unless a court order remains in effect. If an unlawful practice resumes or if a prisoner is in imminent danger of a constitutional violation, the prisoner has prompt and complete remedies through a new action filed in a state or federal court and preliminary injunctive relief.

Finally, these amendments make some changes to the automatic stay provisions in the Act. Under the Act, courts are supposed to rule promptly on motions to terminate these longstanding decrees. In order to discourage delay on such motions, the Act provided that, if a court did not render a decision on the motion within 30 days, the decree was automatically stayed until the court had rendered a final decision. Unfortunately, many district courts are not ruling promptly, are keeping the decrees in effect, and are then seeking violations that justify doing so.

Courts have also been avoiding the automatic stay by saying that it is impossible to comply with because it sets up an impossible timetable and that it is therefore unconstitutional. The Department of Justice meanwhile has contended that the stay is not really automatic at all, although no court has accepted that view.

The argument that the court is being forced to rule on anything on an unrealistic timetable is incorrect because the automatic stay imposes no requirement that they rule. It only provides that if they do not rule there is no order in effect until they do so. Nevertheless, giving the court the authority to extend the time an additional 60 days should eliminate that basis for challenge. The amendments also clarify that the stay is in fact is automatic by expressly modeling it on the bankruptcy automatic stay, and they state explicitly that any order blocking the automatic stay is appealable, thereby ensuring review of the district court's action. Finally, they make clear that mandamus is available to compel a ruling if a court is simply failing to act on one of these motions.

Mrs. BOXER. Mr. President, I congratulate the chairman and ranking member of the Appropriations Committee for bringing this bill to the Senate. Their leadership will help break the logjam on the remaining 1998 appropriations bills, and I commend them for pushing forward.

While I support most provisions in this multi-title legislation, I must take this opportunity to register my strong disapproval of the provisions in the Foreign Operations title relating to International Family Planning.

The bill provides that for the next two years, it will include the restrictive Mexico City policy, which will prohibit U.S. international family planning assistance from going to any foreign private organization involved in certain abortion-related activities—even though these activities are carried out with non-U.S. funds. This language will cripple the work of many of the private organizations doing the most effective work in family planning and maternal and child health. For example, organizations that seek to advise their governments on how to make abortions safer for women, in countries where abortion is legal, would be restricted from doing so if they receive U.S. money for family planning services. This restriction will only result in more dangerous health conditions for women.

The Mexico City provision does at least include a waiver provision, allowing the President to disregard the policy. However, if he chooses to exercise the waiver, the family planning account will be penalized by being reduced.

Unfortunately, this language is a compromise with those who would terminate international family planning altogether, and thus it is probably the best we can do. I commend the Senator from Vermont, Senator LEAHY, for working so hard to get the best language possible at this time. However, Mr. President, this compromise must go no further. Any movement beyond the language we have included in the Senate bill will, in my view, seriously jeopardizes passsage of the legislation.

Mr. STEVENS. Mr. President, we are waiting for the Senator from Vermont. While I am waiting let me state for the record that the omnibus bill that is here has some additions that were not in the conference reports of the various bills.

We have included the Small Business Administration reauthorization bill, a portion of the State Department authorization bill which deals with reorganization, and with authorization for the United Nations arrearages. We have included the Highway Safety and Transit Contract Authority Extensions, due to the expiration of ISTEA. We have technical corrections to the Department of Defense Authorization Act with regard to land transfer in New Mexico. And we have the agreement that deals with the census provision that was in the State-Justice-Commerce bills that passed the Senate, but it has been altered substantially. I should call attention to that.

Let me ask the Chair, what time now remains on this bill?

The PRESIDING OFFICER. There is 15 minutes for the Senator from West Virginia [Mr. BYRD]; there is 15 minutes for the Senator from Kentucky [Mr. MCCONNELL].

Mr. STEVENS. I am authorized to yield back the time of the Senator from Kentucky and the Senator from West Virginia. I do so.

The PRESIDING OFFICER. There remains 15 minutes for the Senator from Vermont [Mr. LEAHY].

Mr. FORD. Mr. President, may I advise my good friend, the chairman of the Appropriations Committee, that Senator LEAHY has been on the floor. He has been detained just for a few minutes. He is on his way. I don't think he will take his entire 15 minutes, but I would have to hold those minutes for him, if I could.

Mr. STEVENS. Does the Senator from Florida seek to speak?

Mr. GRAHAM. Mr. President, the procedure, which I discussed with the majority leader, was that as soon as we completed action on the District of Columbia appropriations bill, I would be recognized for purposes of offering legislation relative to Haitian immigration. I wonder if it would be an appropriate use of this time, and I so ask unanimous consent, while awaiting Senator LEAHY's arrival, to offer that legislation at this time.

Mr. STEVENS. Mr. President, with the understanding that the Senator from Florida will yield to the Senator from Vermont, in order to finish this bill, when the Senator from Vermont arrives, I suggest the Chair recognize the Senator from Florida.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I ask unanimous consent that the business currently pending before the Senate be set aside temporarily for purposes of introducing

legislation with the understanding that at such time as the Senator from Vermont arrives, the Senator from Vermont will have the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 1504 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I compliment the distinguished chairman of the Appropriations Committee, Mr. STEVENS; the distinguished ranking member, Mr. BYRD; and the distinguished chairman of the Subcommittee on Foreign Operations, Mr. MCCONNELL; and all those who worked on it. This has not been an easy time getting this bill through, partly because of holdups in the other body, holdups that tended to disregard, frankly, the democratic process and how we voted here and voted over there. Be that as it may, we have done the best with a difficult situation. I believe this bill should be passed.

INTERNATIONAL FAMILY PLANNING FUNDING

Mr. LEAHY. Mr. President, I want to speak on the issue of funding for international family planning, which is contained in this omnibus bill.

The agreement on the Mexico City policy that was approved by the Appropriations Committee yesterday, is the result of weeks of tortuous negotiations. It would establish the Mexico City policy in statute for 2 years. That is a major concession to the House that is opposed by the administration. It would permit him to waive the Mexico City restrictions.

But there is a penalty if he does. Funding for family planning would be frozen at last year's level, which is the House level and $50 million below the Senate level.

Even with the waiver for the President, I believe that if the Mexico City issue were voted on separately in the Senate it would be defeated. We are including it as part of this larger package in an effort to pass the Foreign Operations conference report.

It is interesting to me that despite the fact that 5 months ago the Appropriations Committee reported and the Senate voted for $435 million for international family planning programs with no Mexico City restrictions, despite the fact that the Senate voted the same way in February, and the same way last year, despite the fact that the House and Senate Foreign Operations conferees would have overwhelmingly supported the Senate position if the House leadership had allowed them to vote on it, Members of the House are already saying that they will not accept it because it permits the President to waive the Mexico City restrictions.

Under their approach, the United States could not fund organizations that support laws to make abortion safer in countries where abortion is legal. And they expect the President, and the Secretary of State who is seen around the world as a champion for women's rights, to accept the Mexico City policy. It completely ignores reality. If they are unwilling to budge we are doomed to failure, because their approach would be vetoed. In fact, I cannot even say that the Mexico City policy with a waiver for the President, as we have done, would not be vetoed.

Mr. President, I was perfectly willing to have a vote in the conference committee, and I am more than willing to vote on this today or next year.

But the House has been unwilling to do that. They prefer to try to thwart the process in other ways.

They are all for democracy in Russia. They are outraged when the Haitian Parliament does not follow the rules. But if they do not have the votes here, they break their commitments, manipulate the parliamentary rules to their advantage, and obstruct the democratic process.

Six years ago we had the votes to defeat the Mexico City policy, which was the policy in effect during the previous administration, just as we have the votes in the Senate today. But we knew our position would be vetoed, and that we could not override a veto.

So rather than bring the Congress to a standstill, we accepted that we could not change the President's policy and we got the Foreign Operations Conference Report passed and signed into law.

Today the tables are turned. The supporters of Mexico City do not have the votes to get it through the Congress, and even if they did they could not override a veto.

But rather than accept that, rather than concede that they cannot win a fair fight, they prevented the conference committee from doing its job, they refused an offer to vote when they knew they would lose, and they tried to force their position through so that we would either have to shut down the government again or swallow their position without an opportunity to amend it.

That is exactly what they did two years ago. The result was that funds for family planning were cut sharply. They tried it again last week, when they sent over the Mexico City policy and tried to jam it through with only Republican names on the Conference Report. They were blocked at the last minute by members of their own party.

Mr. President, the irony of this is that not one dime of our money can be spent on abortion or to lobby for abortion. That has been the law for years.

This issue is about what private organizations, like Johns Hopkins University, like Georgetown University, like the University of North Carolina , like the International Planned Parenthood Federation, do with their own money.

It is about whether we have a policy that says it is okay to give money to foreign governments in countries where abortion is legal, but it is not okay to give money to private organizations that work in those same countries. It is totally illogical and discriminatory.

The compromise agreement contained in this omnibus bill will make no one happy. I do not like it because it puts into law the Mexico City policy, which I strongly oppose even for two years. Others on this side feel the same way. They see that this is a major concession to the pro-Mexico City faction in the House, and they are right. The administration does not like it either.

It also means that funding for family planning remains frozen at last year's level of $385 million. That is a $180 million cut from the 1995 level. I think that is a travesty, when so many people around the world want family planning services and cannot get them. Not abortion. Family planning, so they don't have to resort to abortion.

That is the choice. In Russia, where women had on average 7 abortions in their lifetimes because they had no access to family planning, that number has fallen sharply since we started a family planning program there. It is common sense.

I would like to see twice this amount of money going for family planning, but we have agreed to this level, which is a $50 million cut from the amount that passed the Senate in July, as part of this agreement to try to finish these appropriations bills.

Mr. President, the House can reject this approach. Perhaps they do not believe the President when he says he will veto the Mexico City policy. I do not know how many times he has to say it.

It was not easy to get here. When there is a Republican in the White House, or the votes change in the Senate, I am sure the other side will want to vote because they will be confident of victory. But that is not where we are today.

I hope the House can improve on this approach. I would be overjoyed if they can find a way to keep the Mexico City policy out of the law entirely, without including the kind of harmful restrictions on the disbursement of family planning funds that were adopted last year. If the supporters of the Mexico City policy want it so badly, why not vote on it?

As I have said time and again, I would prefer to handle this by voting on Mexico City next year. We could agree that if it is defeated in the Senate, the funds would be disbursed on a quarterly basis through the 1998 fiscal year. I know that approach has bipartisan support in the House. In fact, the Chairman of the House Appropriations Committee has suggested that approach. Whether it could win a majority I do not know, but I encourage the House to pursue it.

Mrs. BOXER. Will the Senator yield for purposes of a question?

Mr. LEAHY. Of course, I yield to my friend from California.

Mrs. BOXER. I say to Chairman STEVENS and I know the ranking member, Senator BYRD, and to the Senator from Vermont, thank you for working so hard on this international family planning issue. The Senator is so correct when he says that the Senate has spoken, the House has spoken, and suddenly we find ourselves faced with a situation where the funds for family planning on an international scale will be withheld.

I say to my friend, for the RECORD, because I think it is very important and a lot of people are counting on us, can our friend from Vermont assure us that this agreement that he has garnered working with Senator MCCONNELL is, in fact, the best he thinks he can get at this time?

Mr. LEAHY. It is, but it is not what I would want. I would prefer to be far closer to what the Senate has voted on time and time and time again.

I understand the realities of the situation, though, and this is where we are. The irony is that those who are holding up family planning money, claiming they are doing it because of their opposition to abortion, are assuring that there will be more abortions in the countries we send the family planning money to.

The family planning money, in so many of these countries, has provided a strong alternative to abortion, because many countries use abortion as a method of birth control. Our family planning money would cut down abortions. It has been proven.

For the life of me, I cannot understand this topsy-turvy, ''Alice in Wonderland,'' view of cutting family planning money and saying we are trying to stop abortions, because its does nothing of the kind. In fact, when people have access to family planning, the abortions go down.

Mrs. BOXER. Thank you.

Mr. LEAHY. Mr. President, I see the distinguished chairman on the floor. If he does not need further time on this, I understand the Senator from Kentucky has yielded back his time. I, therefore, yield back time on this side.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. As I understand it then, the balance of the time is the time that remains to me, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I want to thank the Senate for its consideration of the desire of the Appropriations Committee to finish this work for this Congress. We had hoped that we would pass 13 separate appropriations bills. That has not been possible. But we have taken the opportunity to put two of the bills that have not been finished on this bill—that managed by Senator FAIRCLOTH and Senator BOXER, with the hope that we could resolve the differences with the House. It will go to the House now as an amendment to the House bill. It is an omnibus appropriations bill now. And the House will work its will on it. I am hopeful that it will decide to send the bill to the President.

In any event, it is my understanding we will soon be presented with a continuing resolution. The continuing resolution in effect now would expire at midnight tonight. The one I expect to be received by the Senate will expire tomorrow night. So we are hopeful that we will be able to resolve the differences between the House and the Senate by tomorrow night with regard to the matters under this bill.

Again, I thank everyone for their consideration of our position. And if there is nothing further to come before the Senate on this bill, I yield back the balance of the time. It is my understanding that would yield back all time on this bill. Is that correct, Mr. President?

The PRESIDING OFFICER. The Senator is correct. It would yield back all time.

Mr. STEVENS. Is there anything further we need to do to see it to that the time agreement is carried out?

The PRESIDING OFFICER. No. Under the previous order, the pending amendment is agreed to.

The amendment (No. 1621) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2607), as amended, was passed.

The PRESIDING OFFICER. Under the previous order, the title is amended.

The title was amended so as to read:

An Act making omnibus consolidated appropriations for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer (Mr. ENZI) appointed Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. COCHRAN, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. BOXER conferees on the part of the Senate.

DISTRICT OF COLUMBIA STUDENT OPPORTUNITY SCHOLARSHIP ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 1502.

The assistant legislative clerk read as follows:

A bill (S. 1502) entitled ''District of Columbia Student Opportunity Scholarship Act of 1997.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I strongly oppose the D.C. voucher bill because it is unacceptable and unconstitutional.

We all want to help the children of the District of Columbia get a good education. But this voucher provision is not the way to do it. Public funds should be used for public schools, not to pay for a small number of students to attend private and religious schools.

Earlier this week, the House of Representatives soundly defeated a similar bill. It was Congress' first vote on a free-standing private school voucher bill. It's clear that private school vouchers are not the panacea that voucher proponents would like them to be. Americans do not want vouchers—they want to improve public education, not undermine it.

President Clinton is a strong leader on education. In fact, President Clinton is the education President. He is leading the battle for education reform. The country is proud of his leadership, and our Republican colleagues don't know what to do.

They keep shooting themselves in the foot in their repeated attempts to devise a Republican alternative that will satisfy their right wing hostility to public education and still have the support of the American people. It can't be done. First they tried to abolish the U.S. Department of Education. Then they tried to make deep cuts in funds for public schools. They even shut down the Government when they couldn't get their way. Now they are trying the same trick through the back door, using public funds to subsidize private schools. It won't work, and they shouldn't try.

It is clear that President Clinton will veto the D.C. voucher bill, and he is right to veto it.

The current debate involves schools in the District of Columbia. But the use of Federal funds for private schools is a national issue that Congress has addressed and rejected many times before. And so have many States.

Now, voucher proponents are attempting to make the D.C. public schools a guinea pig for a scheme that voters in D.C. have soundly rejected, and so have voters across the country.

Recent voucher proposals in Washington, Colorado, and California lost by over 2-to-1 margins. In 1981, D.C. voters defeated a voucher initiative by a ratio of 8 to 1, and the concept has never been brought up on the ballot again because it has so little support. Clearly, Congress should not impose on the District of Columbia what the people of D.C. and voters across the country reject.